

### REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 02-1818. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

Claims 1, 2, 5, 6, 10, 15, 17, 18, 22, 25, 34, 38, 43, 44, 46, 47, 55, 56, 63, 66-68, 75, 77, 110, 116, 137, 139, 140, 143-147, 151-153, 155-160, 161, 163, 164, 166-169, 171, 172 and 174 are pending. Claims 81, 118, 120, 150, 157 and 173 are cancelled without prejudice or disclaimer. Claims 81, 118 and 120 are directed to non-elected subject matter. Claim 157 is duplicative of claim 1. Applicant reserves to the right to file divisional/continuation applications to the subject matter of any cancelled claims or subject matter disclosed in the application. Claim 174, which finds basis in claim 81, is added.

Claims 5, 17, 18, 22, 44, 46, 47, 55, 56, 63, 66, 67, 68, 77, 143, 145, 146, 147, 153, 155, 156, 167, 168, 171, 172 and 174 are indicated as withdrawn from further consideration. The Examiner indicates that claims 1, 2, 6, 10, 15, 25, 34, 38, 43, 75, 110, 116, 137, 139, 140, 144, 150, 151, 152, 157, 158, 159, 160, 161, 163, 164, 166, 169 and 173 read on the elected species. The withdrawn claims are retained pending allowance of a generic claim. Claims 1, 2, 10, 158, 163 and 164 are amended for clarity. Claim 1 is amended to render it clear that X is activated to effect covalent binding to permit Y to reach equilibrium before capture. Claim 158 is amended to properly depend from claim 1.

### **Response to Office Communication Concerning Non-Compliant Amendment**

This response is submitted in response to the Notice of Non-Compliant Amendment, mailed April 14, 2009. In the response mailed May 15, 2008, claim 2 was amended, but was not accompanied by the correct claim status identifier. In addition, claim 146 was inadvertently not separated from claim 145. Responsive to the Notice of Non-Compliant amendment, a new Listing of Claims is provided herewith that includes the correct claim status identifier for amended claim 2 and lists claim 146 separate from claim 145.

In reviewing the claims, a few inadvertent typographical errors were discovered in claims 159, 172 and 174. To advance prosecution, in the Listing of Claims provided herewith, claim 159 is dependent on claim 158, claim 172 identifies changes made to the text of the claim compared to the immediate previous version and new claim 174 does not contain text in strikethrough or underlining. No new matter is added. The response, mailed May 15, 2008, to the Non-Final Office Action, mailed November 15, 2007, is incorporated by reference herein.

Applicant : Hubert Köster, Ph.D. *et al.*  
Serial No. : 10/760,085  
Filed : January 16, 2004

Attorney Docket No.: 0119368-00025 /2309  
Response to Notice of Non-Compliant Amendment

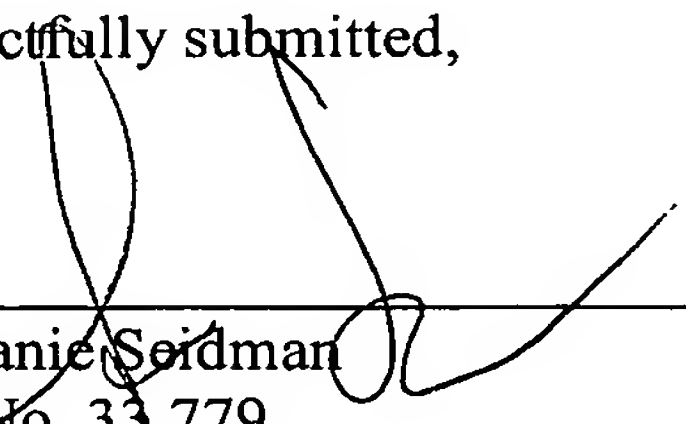
\* \* \*

In view of the amendments and remarks herein, reconsideration and allowance of the application respectfully are requested.



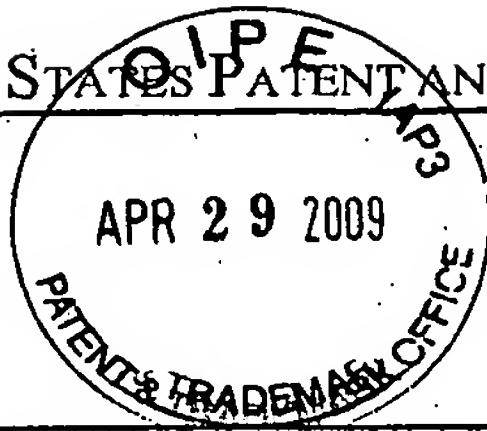
Attorney Docket No. 0119368-00025/2309  
**Address all correspondence to: 77202**  
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Respectfully submitted,

  
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Stephanie Seidman  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,085	01/16/2004	Hubert Koster	119368-00025 / 2309	8019

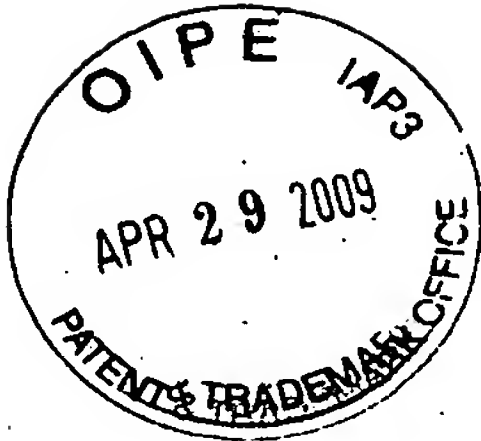
77202 7590 04/14/2009  
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APR 16 2009  
By *[Signature]*

EXAMINER	
LIU, SUB XU	
ART UNIT	PAPER NUMBER
1639	
MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO. 10760085	FILING DATE 1/16/2004	FIRST NAMED INVENTOR KOSTER ET AL.	ATTORNEY DOCKET NO. 119368-00025 / 2309
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EXAMINER

SUE LIU

ART UNIT	PAPER
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1639

20090327

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

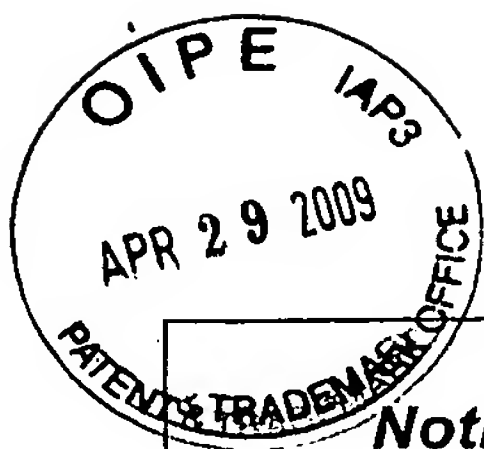
Please see the attached Notice of Non-Compliant Amendment for detail requirements and response time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sue Liu/  
Primary Examiner, AU 1639  
3/26/09



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/760,085

Applicant(s)

KOSTER ET AL.

Examiner

SUE LIU

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 20 May 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction; if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/SUE LIU/  
Primary Examiner, Art Unit 1639

Continuation of 4(e) Other: Applicants have amended the instant pending claims (e.g. claim 2). However, the amended claims are not shown with markings to indicate specific claim amendments and/or accompanied by appropriate claim status identifiers as required by 37 CFR 1.121 (see MPEP 714). In addition, the instant claim 146 should be listed separately from the instant claim 145. Appropriate correction is requested.